

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

F044150 Walzem et al. v. Daimlerchrysler Corp.

Cause called and argued by Kimberly L. Mayhew, Esq., counsel for respondent and by Jon Universal, Esq., counsel for appellant.

Cause ordered submitted.

The court reconvened in its courtroom at 1:45 P.M. Present: Honorable Timothy S. Buckley, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F042990 Gaither v. Enevoldsen

Cause called and argued by Stanley Fleshman, Esq., counsel for appellant and by Todd Baxter, Esq., counsel for respondent.

Cause ordered submitted.

F044023 The City of Merced v. American Motorists Ins. Co.

F044865 The City of Merced v. American Motorists Inc. Co.

Cause called and argued by Steven Hassing, Esq., counsel for respondent and by James R. Negele, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, February 15, 2005 at 1:30 P.M.

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F043364 People v. Keel II

The convictions and true findings are affirmed. The sentence is affirmed except for the term imposed for section 422.75 enhancement, which shall be vacated. The matter is remanded to the trial court for further proceedings consistent with *People v Scott*, supra, 9 Cal.4th 331. Cornell, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045747 In re Carlos C., a Minor

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043463 People v. Arellano

The conviction in count 8 (active participation in a criminal street gang in violation of Pen. Code, § 186.22, subd. (a)) is reversed. In all other respects the judgment is affirmed. Vartabedian, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044147 People v. Jackson

The judgment is reversed and a new trial is ordered. Gomes, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043786 People v. Solorzano

The judgment is reversed, the matter is remanded, and a new trial is ordered with directions that if the issue of Solorzano's competency to stand trial were again to ripen into competency proceedings and if during the pendency of those proceedings he were again to make a Marsden motion articulating his dissatisfaction with, and requesting substitution of, counsel for those proceedings, the court shall promptly hear that motion before terminating those proceedings. Gomes, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

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F044356 **People v. Najera et al.**

The petitions for rehearing filed by appellants in the above entitled action are denied.